

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

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LUTHER D. THOMAS, Clerk

By: *[Signature]* Deputy Clerk

MDL DOCKET NO: 1467

In Re:

TRI-STATE CREMATORY
LITIGATION

§
§
§
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SUPPLEMENT TO JULIAN PEEPLES MEMORIAL CHAPEL, INC.'S
MOTION FOR SUMMARY JUDGMENT

COMES NOW Julian Peeples Memorial Chapel, Inc. (hereinafter referred to as "JPMC") and supplements its Motion for Summary Judgment by providing citations to the testimony of Thomas J. Edkins, referenced in the Brief in Support of the Motion for Summary Judgment, and by attaching relevant portions of Dr. Edkins' deposition transcript hereto.

The portion of Dr. Edkins' deposition testimony referenced on page 6 of JPMC's Brief can be found at pages 27-28, copies of which are attached hereto.

This 3d day of December, 2003.

WEINBERG, WHEELER,
HUDGINS, GUNN & DIAL, LLC

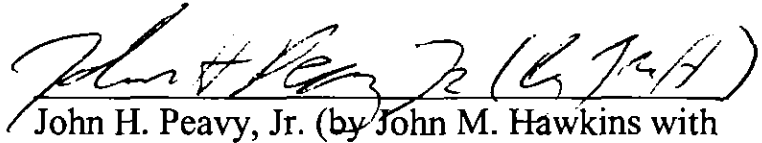
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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF GEORGIA
3 ROME DIVISION
4

5 IN RE: TRI-STATE)
6 CREMATORY LITIGATION) MDL DOCKET NO. 1467
7

8
9 DEPOSITION OF
10 TOM EDKINS
11

12
13 October 6, 2003
14 10:05 a.m.
15

16 Suite 3000
17 950 East Paces Ferry Road
18 Atlanta, Georgia
19

20 Carl R. Forte, RMR, CRR, CCR-A-597
21

22 B R O W N
23 *Reporting* INC.
24

25 1740 Peachtree St. N.W.
 Atlanta, GA 30309
 404-876-8979

1 Q. And do you know what Diane did with them?

2 A. I believe she brought them to the -- is it
3 Walker County Civic Center. I believe that's what
4 it's called, to the best of my ability. And handed
5 those over to the Georgia Bureau of Investigation.

6 Q. Do you know why?

7 A. Because they had forensic scientists to
8 test it to help determine what type of cremains they
9 were.

10 Q. You say what type of cremains?

11 A. (Witness nods head affirmatively.)

12 Q. Tell me what you mean by that.

13 A. I believe the decision was that they're
14 human, there are some human cremains in the box that
15 I have in our home, but it's not -- cannot be
16 determined at this point whether they're our father's
17 or not.

18 Q. So, can -- it cannot be confirmed that
19 it's your father.

20 A. I believe it cannot be confirmed, yes.

21 Q. But then, again, it also cannot be denied
22 that it's your father, then, correct?

23 A. At this point, it's possible that it
24 cannot be denied, yes.

25 Q. Okay. Do you know of any way that you'd

1 be able to tell with any certainty whether or not
2 that was your father's cremains?

3 A. I'm not aware of any scientific techniques
4 that can tell us at this point.

5 Q. Did the G.B.I. return that portion of
6 cremains that it tested?

7 A. I believe so. I believe they returned it
8 to my sister.

9 Q. Have you received those cremains back?

10 A. I don't believe so.

11 Q. So, to your knowledge, they -- your sister
12 still has them?

13 A. Yes.

14 Q. Have you had any additional testing of the
15 cremains at all?

16 A. No.

17 Q. Do you have any intention to do so?

18 A. At this time, I haven't thought about
19 doing anything.

20 MR. SMALLEY: Obviously, we may test
21 those as a part of the Court's order for
22 forensic testing. But if we do, you'll
23 certainly be made aware of it.

24 MR. HAWKINS: Let's go ahead and mark
25 this.

CERTIFICATE OF SERVICE

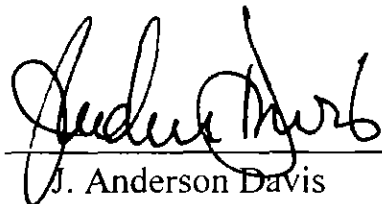
This is to certify that I have this day served counsel for all parties with a copy of the within and foregoing **Supplement to Julian Peoples Memorial Chapel, Inc.'s Motion for Summary Judgment** by causing a copy of same to be placed in first class U.S. mail with adequate postage affixed thereto and addressed as follows:

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This 4th day of December 2003.



J. Anderson Davis